

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Gredley, Sarah	Attorney Docket No.: 006329.00005
Serial No.:	PCT/GB03/02228	Group Art Unit: Not Yet Assigned
Filing Date:	23 May 2003	Examiner: Not Yet Assigned
For:	Picture Frame	

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)**RECEIVED**

Mail Stop Petition
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

20 OCT 2005

**Legal Staff
International Division**

Sir:

Applicants respectfully petition to revive the above-captioned unintentionally abandoned application under 37 C.F.R. § 1.137(b). The above-captioned application was unintentionally abandoned on November 23, 2004, for failure to file a U.S. national phase application claiming the benefit of the above captioned PCT application.

To satisfy the requirements of 37 C.F. R. § 1.137(b):

- (1) Applicants submit herewith a continuation application (assigned attorney docket no. 006329.00005); the application includes a preliminary amendment and application data sheet making a priority claim to PCT/GB03/02228.

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- (2) Applicants authorize the Commissioner to charge the requisite fee of \$750 for this petition to our Deposit Account No. 19-0733.
- (3) Applicants submit that the delay in filing this required reply from the due date for the action (November 23, 2004) until the filing of this petition today was unintentional.
- (4) No terminal disclaimer is required because the application was filed after June 8, 1995.

Applicants respectfully request grant of this petition in view of the following:

Facts

- 1. Applicants filed the above captioned PCT application on 23 May 2003 claiming the benefit of prior Great Britain application No. GB 0211893.3 filed 23 May 2002. (Exhibit A; cover page of published PCT application)
- 2. The PCT application designated the United States. (Exhibit A)
- 3. The PCT application was prepared and filed for the Applicants in Great Britain by the Birmingham, England office of the Barker Brettell firm. Following normal PCT proceedings, the Barker Brettell firm timely requested instruction from the Applicants with respect to initiating national phase applications corresponding to the PCT application. The Applicants failed to respond with timely instructions to the Barker Brettell firm due to misunderstandings regarding PCT practice on the part of the Applicants. More specifically, the Applicants reasons for not providing instructions earlier to Barker Brettell to initiate the U.S. national phase application was a combination of a temporary lack of funds and a mistaken belief that the U.S.

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national phase could be entered later. Upon being informed of the passage of the due date, the Applicants promptly provided instructions to the Barker Brettell firm to take steps to revive the PCT application and initiate the U.S. national phase application claiming the priority benefit of the PCT application. The Barker Brettell firm, in turn, promptly provided corresponding instructions to the undersigned.

4. The undersigned promptly prepared this petition to revive the PCT application and concurrently filed a corresponding U.S. continuation application.

In view of the above, Applicants submit that they have complied with the provisions of 37 CFR § 1.137(b) and respectfully request revival of the above-captioned application, which was unintentionally abandoned on 27 November 2004.

Respectfully submitted,



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Dated: 12 January 2005

Enclosures:

U.S. National Phase Application (docket no. 006329.00005)
Fee Transmittal Letter
Postcard